

ESTTA Tracking number: **ESTTA735752**

Filing date: **03/24/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	The Glad Products Company
Granted to Date of previous extension	03/30/2016
Address	1221 Broadway Oakland, CA 94612 UNITED STATES

Correspondence information	The Glad Products Company 1221 Broadway Oakland, CA 94612 UNITED STATES trademarks@clorox.com
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Applicant Information

Application No	86696045	Publication date	12/01/2015
Opposition Filing Date	03/24/2016	Opposition Period Ends	03/30/2016
Applicant	Liu Tianliang ShangHengLiang Industrial Zone ShenZhen,, CHINA		


Goods/Services Affected by Opposition


Class 021. First Use: 2014/08/01 First Use In Commerce: 2014/08/01 All goods and services in the class are opposed, namely: Boot jacks; Bottle gourds; Bottle openers, electric and non-electric; Bottle stoppers specially adapted for use with wine bottles; Boxes for dispensing paper towels for household use; Candlesticks; Charms for attachment to beverage glassware for identification purposes; Cleaningrags; Cleaning sponges; Coasters, not of paper and other than table linen; Cookery molds; Cooking sieves and sifters; Cosmetic brushes; Fitted vanity cases; Gloves for household purposes; Hand-operated grinders; Household utensils, namely, sieves; Household utensils, namely, potand pan scrapers, rolling pins, spatulas, turners and whisks; Ice cube molds; Insulating sleeve holder for beverage cups; Make-up brushes; Manual cosmetic cleaners, namely, non-woven fabric wipes and sponges; Nail brushes; Non-electric food blenders; Perfume burners; Rolling pins; Soap holders and boxes; Tea strainers; Vacuum flasks; Waffle irons; Whisks

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution by blurring	Trademark Act section 43(c)


Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	4671863	Application Date	07/14/2014
Registration Date	01/13/2015	Foreign Priority Date	NONE
Word Mark	GLAD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 021. First use: First Use: 2007/12/31 First Use In Commerce: 2007/12/31 Rigid plastic containers for food		

U.S. Registration No.	3920775	Application Date	10/09/2009
Registration Date	02/15/2011	Foreign Priority Date	NONE
Word Mark	GLAD		
Design Mark			
Description of Mark	The mark consists of a red, wavy banner with a border along the bottom that is yellow and orange. The wording "GLAD" appears in white.		
Goods/Services	Class 016. First use: First Use: 2007/12/31 First Use In Commerce: 2007/12/31 Plastic wrap; plastic bags, namely, food storage bags for household use, freezer bags, garbage bags, and general purpose bags Class 021. First use: First Use: 2007/12/31 First Use In Commerce: 2007/12/31 Rigid plastic containers for food; plastic oven ware for use in conventional and microwave ovens, and in refrigerators		

U.S. Registration No.	3938630	Application Date	08/28/2009
Registration Date	03/29/2011	Foreign Priority Date	NONE

Word Mark	GLAD
Design Mark	
Description of Mark	The mark consists of a red, wavy banner with a border along the bottom that is yellow and orange.
Goods/Services	Class 016. First use: First Use: 2007/12/31 First Use In Commerce: 2007/12/31 Sandwich bags; Trash bags

U.S. Registration No.	3865472	Application Date	07/08/2009
Registration Date	10/19/2010	Foreign Priority Date	NONE
Word Mark	GLAD TO GIVE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 2010/04/30 First Use In Commerce: 2010/04/30 Plastic food storage bags for household use		


U.S. Registration No.	3620543	Application Date	03/10/2008
Registration Date	05/12/2009	Foreign Priority Date	NONE
Word Mark	GLAD-LOCK		

Design Mark	GLAD-LOCK
Description of Mark	NONE
Goods/Services	Class 016. First use: First Use: 2008/07/07 First Use In Commerce: 2008/07/07 Plastic bags for packaging

U.S. Registration No.	2537362	Application Date	07/17/2000
Registration Date	02/05/2002	Foreign Priority Date	NONE
Word Mark	GLAD		
Design Mark	GLAD		
Description of Mark	NONE		
Goods/Services	Class 021. First use: First Use: 2001/01/08 First Use In Commerce: 2001/01/08 PLASTIC OVEN WARE FOR USE IN CONVENTIONAL AND MICROWAVE OVENS, AND IN REFRIGERATORS		


U.S. Registration No.	2055001	Application Date	05/01/1996
Registration Date	04/22/1997	Foreign Priority Date	NONE
Word Mark	GLADWARE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 021. First use: First Use: 1996/08/06 First Use In Commerce: 1996/08/06 rigid plastic containers for food		

U.S. Registration No.	1981233	Application Date	08/02/1995
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Registration Date	06/18/1996	Foreign Priority Date	NONE
Word Mark	GLAD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1971/08/04 First Use In Commerce: 1971/08/04 plastic bags, namely trash and garbage bags, sandwich bags, food storage bags for household use, general purpose bags		

U.S. Registration No.	1979836	Application Date	07/27/1995
Registration Date	06/11/1996	Foreign Priority Date	NONE
Word Mark	GLAD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1970/01/01 First Use In Commerce: 1970/01/01 plastic wrap		

U.S. Registration No.	738875	Application Date	03/23/1962
Registration Date	10/09/1962	Foreign Priority Date	NONE
Word Mark	GLAD		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 016. First use: First Use: 1962/03/14 First Use In Commerce: 1962/03/14 Plastic Bags

Attachments	86336292#TMSN.png(bytes) 77845256#TMSN.png(bytes) 77815189#TMSN.png(bytes) 77776452#TMSN.png(bytes) 77418067#TMSN.png(bytes) 76089433#TMSN.png(bytes) 74710118#TMSN.png(bytes) 74706926#TMSN.png(bytes) 72140598#TMSN.png(bytes) 2016.03.24 Notice of Opposition.pdf(1144187 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/adam brink/
Name	The Glad Products Company
Date	03/24/2016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re application of:

Liu Tianliang

For: DEALGLAD

Serial No.: 86/696,045

Filed: July 17, 2015

Published: December 1, 2015

NOTICE OF OPPOSITION

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Sir or Madam:

Because The Glad Products Company (“Opposer” or “Glad”) will be damaged by the registration of the DEALGLAD mark that is the subject of Application Serial No. 86/696,045, filed on July 17, 2015, by Liu Tianliang (“Applicant” or “Liu Tianliang”), Glad opposes such registration.




Glad is a Delaware corporation with its headquarters at 1221 Broadway, Oakland, California 94612. Liu Tianliang is, upon information and belief, a Sole Proprietor, with a place of business at ShangHengLiang Industrial Zone, Da Lang Cross Streets, Baoan District, ShenZhen, China. This Notice of Opposition has been timely filed. As grounds of opposition, Glad alleges as follows:


1. As illustrated in the Official Gazette dated December 1, 2015, Applicant seeks to register the mark DEALGLAD in International Class 21 for Boot jacks; Bottle gourds; Bottle openers, electric and non-electric; Bottle stoppers specially adapted for use with wine bottles; Boxes for dispensing paper towels for household use; Candlesticks; Charms for attachment to beverage glassware for identification purposes; Cleaning rags; Cleaning sponges; Coasters, not of paper and other than table linen; Cookery molds; Cooking sieves and sifters; Cosmetic brushes; Fitted vanity cases; Gloves for household purposes; Hand-operated grinders; Household utensils, namely, sieves; Household utensils, namely, pot and pan scrapers, rolling pins, spatulas, turners and whisks; Ice cube molds; Insulating sleeve holder for beverage cups; Make-up brushes; Manual cosmetic cleaners, namely, non-woven fabric wipes and sponges; Nail brushes; Non-electric food blenders; Perfume burners; Rolling pins; Soap holders and boxes; Tea strainers; Vacuum flasks; Waffle irons; Whisks. The application claims first use in commerce as of August 1, 2014.

2. Registration of the proposed mark would be a source of damage and injury to Glad and the public, and would be contrary to the principles of registration set out in 15 U.S.C. §§ 1051 *et seq.*

3. In 1962, Glad, through its predecessor, began making plastic wrap and plastic bags for household use, and shortly thereafter launched food storage bags for household use, general purpose bags, household trash bags, and oven ware. Glad's plastic bags quickly became the company's best-selling product, as it remains today. In 1996, Glad began expanding into plastic food storage containers.

4. Glad is the owner of the distinctive and famous GLAD® trademark, which appears on its plastic storage bags, trash bags and plastic food storage containers. Glad owns the following U.S. trademark registrations for its GLAD® trademark:

Trademark	Reg. No. / Date	Goods	Date of First Use
GLAD	4,671,863 01/13/2015	Rigid plastic containers for food	12/31/2007
	3,920,775 02/15/2011	Plastic wrap; plastic bags, namely, food storage bags for household use, freezer bags, garbage bags, and general purpose bags	12/31/2007
	3,938,630 03/29/2011	Sandwich bags; Trash bags	12/31/2007
GLAD TO GIVE	3,865,472 10/19/2010	Plastic food storage bags for household use	04/30/2010
GLAD-LOCK	3,620,543 05/12/2009	Plastic bags for packaging	07/07/2008
GLAD	2,537,362 02/05/2002	Plastic oven ware for use in conventional and microwave ovens, and in refrigerators	01/08/2001
GLADWARE	2,055,001 04/22/1997	Rigid plastic containers for food	08/06/1996
	1,981,233 06/18/1996	Plastic bags, namely trash and garbage bags, sandwich bags, food storage bags for household use, general purpose bags	08/04/1971

Trademark	Reg. No. / Date	Goods	Date of First Use
	1,979,836 06/11/1996	Plastic bags, namely trash and garbage bags, sandwich bags, food storage bags for household use, general purpose bags	10/01/1970
GLAD	738,875 10/09/1962	Plastic Bags	03/14/1962

These registrations for the GLAD® trademark are in full force and effect, and some of them have become incontestable under 15 U.S.C. § 1065. Glad also owns a number of pending trademark applications for the GLAD® mark.

7. Since at least as early as 1962, Glad (or its predecessor) continuously has used its GLAD® trademark on a variety of goods, including on plastic storage bags, trash bags and plastic food storage containers. Glad's dates of adoption and first use of its GLAD® trademark precede any first use of Applicant's mark.

8. Since adoption and first use of its GLAD® trademark, Glad continuously has marketed and is presently marketing goods bearing the mark nationwide. Glad has expended and continues to expend substantial time, money, and effort in promoting its GLAD® products and using the mark to identify Glad as the source of those products. As a result, Glad's goods are identified as originating from Glad through the display of the GLAD® mark, and the public recognizes Glad as the source of goods displaying the GLAD ® mark. By virtue of its long use and promotion of the GLAD® trademark, Glad has gained a valuable reputation for the mark and has developed valuable goodwill in the mark.

9. Registration of Applicant's mark for Boot jacks; Bottle gourds; Bottle openers, electric and non-electric; Bottle stoppers specially adapted for use with wine bottles; Boxes for

dispensing paper towels for household use; Candlesticks; Charms for attachment to beverage glassware for identification purposes; Cleaning rags; Cleaning sponges; Coasters, not of paper and other than table linen; Cookery molds; Cooking sieves and sifters; Cosmetic brushes; Fitted vanity cases; Gloves for household purposes; Hand-operated grinders; Household utensils, namely, sieves; Household utensils, namely, pot and pan scrapers, rolling pins, spatulas, turners and whisks; Ice cube molds; Insulating sleeve holder for beverage cups; Make-up brushes; Manual cosmetic cleaners, namely, non-woven fabric wipes and sponges; Nail brushes; Non-electric food blenders; Perfume burners; Rolling pins; Soap holders and boxes; Tea strainers; Vacuum flasks; Waffle irons; Whisks will likely lead the public to conclude, incorrectly, that Applicant is or has been, and Applicant's goods displaying the DEALGLAD mark are or have been, authorized, sponsored, or licensed by Glad. Registration of Applicant's proposed mark is therefore contrary to the provisions of 15 U.S.C. § 1052(a) and will cause damage to Glad and the public.

10. Applicant's mark is deceptively similar to the GLAD® trademark so as to cause likely confusion, or to cause mistake or to deceive the public as to the origin of Applicant's goods, causing harm and damage to Glad and the public. Therefore, registration of Applicant's mark is prohibited by 15 U.S.C. § 1052(d).

11. The GLAD® trademark is distinctive and famous under 15 U.S.C. § 1125(c), and was famous at the time Applicant filed the proposed mark. Applicant's mark has caused or is likely to cause dilution of the distinctive quality of the famous GLAD® mark in violation of 15 U.S.C. § 1125(c), causing harm and damage to Glad and the public. Therefore, registration of Applicant's mark must be refused under 15 U.S.C. §§ 1052 and 1063(a).

12. Registration of Applicant's proposed mark would constitute prima facie evidence of the validity of such registration, Applicant's ownership of the mark, and Applicant's exclusive right to use the mark pursuant to the provisions of 15 U.S.C. § 1057(b). Glad and the public would be harmed as a result.

WHEREFORE, Glad prays that this Opposition be sustained, and that registration to Liu Tianliang for DEALGLAD covered by Application Serial No. 86/696,045 be denied.

Please charge any necessary fee regarding this Opposition to the Deposit Account of The Glad Products Company, No. 505751, and credit any overpayment to such deposit account.

Please direct all notices, pleadings and process regarding this matter to:

Adam C. Brink
The Glad Products Company
1221 Broadway
Oakland, CA 94612
Telephone: (510) 208-1496
Facsimile: (510) 271-1652

Respectfully submitted,

Dated: March 24, 2016

By: 

Adam C. Brink

Attorneys for Opposer
The Glad Products Company

CERTIFICATE OF SERVICE

I hereby certify that on March 24, 2016, the foregoing **NOTICE OF OPPOSITION** is being deposited with the United States Postal Service, first class mail, postage prepaid, in an envelope addressed to:

Shi Lianlian
NO.259, Wensan Road
RM 606, NO.1 Changdi Torch Bldg
Hangzhou, Zhejiang
China



Daisy Saechao